

REFERENCE TITLE: **illegal aliens; prohibited possessors**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2073

Introduced by
Representatives Gray C, Murphy, Nelson, Pearce: Senator Martin

AN ACT

AMENDING SECTION 13-3101, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3101, Arizona Revised Statutes, is amended to
3 read:
4 13-3101. Definitions
5 A. In this chapter, unless the context otherwise requires:
6 1. "Deadly weapon" means anything that is designed for lethal
7 use. The term includes a firearm.
8 2. "Deface" means to remove, alter or destroy the manufacturer's
9 serial number.
10 3. "Explosive" means any dynamite, nitroglycerine, black powder or
11 other similar explosive material including plastic explosives. Explosive
12 does not include ammunition or ammunition components such as primers,
13 percussion caps, smokeless powder, black powder and black powder substitutes
14 used for hand loading purposes.
15 4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,
16 rifle, shotgun or other weapon that will expel, is designed to expel or may
17 readily be converted to expel a projectile by the action of an explosive.
18 Firearm does not include a firearm in permanently inoperable condition.
19 5. "Occupied structure" means any building, object, vehicle,
20 watercraft, aircraft or place with sides and a floor that is separately
21 securable from any other structure attached to it, that is used for lodging,
22 business, transportation, recreation or storage and in which one or more
23 human beings either ~~is~~ ARE or ~~is~~ ARE likely to be present or so near as to be
24 in equivalent danger at the time the discharge of a firearm occurs. Occupied
25 structure includes any dwelling house, whether occupied, unoccupied or
26 vacant.
27 6. "Prohibited possessor" means any person:
28 (a) Who has been found to constitute a danger to himself or to others
29 pursuant to court order under section 36-540, and whose court ordered
30 treatment has not been terminated by court order.
31 (b) Who has been convicted within or without this state of a felony or
32 who has been adjudicated delinquent and whose civil right to possess or carry
33 a gun or firearm has not been restored.
34 (c) Who is at the time of possession serving a term of imprisonment in
35 any correctional or detention facility.
36 (d) Who is at the time of possession serving a term of probation
37 pursuant to a conviction for a domestic violence offense as defined in
38 section 13-3601 or a felony offense, parole, community supervision, work
39 furlough, home arrest or release on any other basis or who is serving a term
40 of probation or parole pursuant to the interstate compact under title 31,
41 chapter 3, article 4.
42 (e) Who is a prohibited possessor under 18 United States Code SECTION
43 922(g)(5), except as provided by 18 United States Code SECTION 922(y).
44 (f) WHO IS AT THE TIME OF POSSESSION IN VIOLATION OF 8 UNITED STATES
45 CODE SECTION 1325.

1 7. "Prohibited weapon" means, but does not include fireworks imported,
2 distributed or used in compliance with state laws or local ordinances, any
3 propellant, propellant actuated devices or propellant actuated industrial
4 tools that are manufactured, imported or distributed for their intended
5 purposes or a device that is commercially manufactured primarily for the
6 purpose of illumination, including any of the following:

7 (a) Explosive, incendiary or poison gas:

8 (i) Bomb.

9 (ii) Grenade.

10 (iii) Rocket having a propellant charge of more than four ounces.

11 (iv) Mine.

12 (b) Device that is designed, made or adapted to muffle the report of a
13 firearm.

14 (c) Firearm that is capable of shooting more than one shot
15 automatically, without manual reloading, by a single function of the trigger.

16 (d) Rifle with a barrel length of less than sixteen inches, or shotgun
17 with a barrel length of less than eighteen inches, or any firearm that is
18 made from a rifle or shotgun and that, as modified, has an overall length of
19 less than twenty-six inches.

20 (e) Instrument, including a nunchaku, that consists of two or more
21 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,
22 wire or chain, in the design of a weapon used in connection with the practice
23 of a system of self-defense.

24 (f) Breakable container that contains a flammable liquid with a flash
25 point of one hundred fifty degrees Fahrenheit or less and that has a wick or
26 similar device capable of being ignited.

27 (g) Chemical or combination of chemicals, compounds or materials,
28 including dry ice, that ~~are~~ IS placed in a sealed or unsealed container for
29 the purpose of generating a gas to cause a mechanical failure, rupture or
30 bursting of the container.

31 (h) Combination of parts or materials that is designed and intended
32 for use in making or converting a device into an item set forth in
33 subdivision (a) or (f) of this paragraph.

34 B. The items set forth in subsection A, paragraph 7, subdivisions (a),
35 (b), (c) and (d) of this section do not include any firearms or devices that
36 are registered in the national firearms registry and transfer records of the
37 United States treasury department or any firearm that has been classified as
38 a curio or relic by the United States treasury department.